## IN THE HOUSE OF REPRESENTATIVES HOUSE JOINT MEMORIAL NO. 6 BY STATE AFFAIRS COMMITTEE

## A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, federal legislation was introduced as H.R. 2421 in the United States House of Representatives by Congressman James Oberstar. The legislation was known as the Clean Water Restoration Act of 2007, and was proposed to clarify which waters are subject to the jurisdiction of the United States under the Federal Water Pollution Control Act, 33 U.S.C. 1251, et seq.; and

WHEREAS, the federal legislation sought to clarify jurisdiction by striking the term "navigable waters" and replacing it with "waters of the United States" defined as "all waters subject to the ebb and flow of the tide, the territorial seas, and all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing..."; and

WHEREAS, the bill, having not come up for debate, never became law and at the end of the congressional session all proposed bills and resolutions that have not passed are cleared from the books. There is, however, a strong likelihood that the bill will be reintroduced in this new congressional session; and

WHEREAS, striking the term "navigable waters" would potentially expand the federal government's reach beyond that which was intended and thereby blur jurisdictional authority to manage and regulate water resources within state and local government jurisdictions; and

WHEREAS, given the ambiguity of the legislation's jurisdictional reach, the implementation of the proposal may lead to increased litigation and uncertainty among public and private stakeholders, including homeowners, farmers, water districts and state and federal agencies, among others.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature adamantly opposes any proposed federal legislation, similar to the Clean Water Restoration Act of 2007, introduced as H.R. 2421 in the United States House of Representatives in May, 2007, and urges congress not to enact any similar legislation.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.